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BY:

DATE:

6/23/00

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re: Patent Application of :
Gotz Nowak, et al. : Attention:
: **Box Missing Parts**

Appln. No.: 09/517,863 :
: :
Filed: March 3, 2000 :
: :
For: Separation Process : Attorney Docket
: No. 9282-010US (D 1062 US)



**RESPONSE TO NOTICE TO FILE MISSING PARTS
OF APPLICATION - FILING DATE GRANTED**

In response to the Notice to File Missing Parts of Application -- Filing Date Granted, mailed May 4, 2000, submitted herewith for the above-identified application:

1. Executed Declaration And Power of Attorney.
2. Copy of Notice to File Missing Parts – Filing Date Granted.
3. Verified Statement Claiming Small Entity – Small Business Concern.
4. German Priority Document.
5. Request for refund of ½ filing fee (\$345.00).

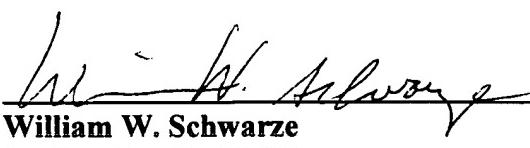
Please charge the surcharge to our Deposit Account 50-1017 for the additional \$65.00 (Billing No. 209282.0010). The Commissioner is hereby authorized to charge any additional fees or credit any overpayments to the above-indicated Deposit Account. One additional copy of this paper is enclosed for accounting purposes.

Respectfully submitted,

GOTZ NOWAK, ET AL.

June 23, 2000
(Date)

By:


William W. Schwarze
Registration No. 25,918
AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.
One Commerce Square
2005 Market Street - Suite 2200
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WWS:jf
Enclosures

FORMALITIES LETTER



OC00000005095177

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark OfficeAddress: COMMISSIONER OF PATENT AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/517,863	03/03/2000	Gotz Nowak	9282-010US (D 1062 US)

000570
 AKIN GUMP STRAUSS HAUER & FELD LLP
 22ND FLOOR ONE COMMERCE SQUARE
 2005 MARKET STREET
 PHILADELPHIA, PA 19103

Date Mailed: 05/04/2000



NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231, ON THE DATE INDICATED BELOW.

BY: *Julyn Glerner*

Date: 4/23/00

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re: Patent Application of :
Gotz Nowak, et al. : Attention:
: Box Missing Parts
Appln. No.: 09/517,863 :
: :
Filed: March 3, 2000 :
: :
For: Separation Process : Attorney Docket
: No. 9282-010US (D 1062 US)

**REFUND REQUEST AND TRANSMITTAL OF
VERIFIED STATEMENT (DECLARATION) CLAIMING
SMALL ENTITY STATUS – SMALL BUSINESS CONCERN**

In reference to the above-identified patent application, submitted herewith is a signed Verified Statement (Declaration) Claiming Small Entity Status – Small Business Concern.

It is also requested at this time that a refund of \$345.00 be applied to the account of Akin, Gump, Strauss, Hauer & Feld, L.L.P., Deposit Account No.50-1017, pursuant to the filing of the above Verified Statement Claiming Small Entity Status. One additional copy of this paper is being forwarded to the Refunds Department, Box 17. This request is being filed within two months of the issuance of the Notice of Missing Parts and the official filing receipt on May 4, 2000, which indicate that a \$690.00 filing fee was charged to applicant when in fact no fee was authorized at the time of filing on March 3.

Respectfully submitted,

GOTZ NOWAK, ET AL.

By: *W. Schwarze*
William W. Schwarze
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Enclosures

2005 MAR 30 PM 5:03

RECEIPT DOCUMENTING

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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

July 25, 2000

William W. Schwarze
Akin, Gump, Strauss, Hauer & Feld, LLP
One Commerce Square
2005 Market Street, Suite 2200
Philadelphia, PA 19103-1200

Dear Attny. Schwarze:

We regret to inform you that your refund request dated 06/26/00 for the amount of \$ 345.00 application number 09/517863 cannot be granted for the reason specified below.

- Refund based upon subsequent establishment of small entity status: A refund based on establishment of small entity status may be granted only if a **signed** statement under 37 CFR 1.27 and a request for refund of the excess amount are filed within two months of payment of the fee (37 CFR 1.28). This two-month period for establishing small entity status and requesting has expired.
- Refund of application filing or petition fee: Filing fees paid for an application that is entitled to a filing date and required petition fees are not fees paid by mistake or in excess. If an application is **not** entitled to a filing date and proceedings are terminated on the application, any filing fees (less the \$130 handling fee) will be refunded (37 CFR 1.53(e)(3)).
- Refund of overpayment: There was no overpayment made by applicant. All fees were calculated and assessed properly. ****See below****
- The payment for which the refund is requested has not been applied to the application. The payment check was returned to applicant for the following reason:
- Not filled out properly. (See attached copy of notice.)
 - Not made payable in U.S. funds.
 - No explanation was given as to purpose.
 - Payment was previously received and applied by Office.
 - Check was returned by bank for insufficient funds.

****Any request for reconsideration or review of this decision must be by way of a petition filed within two months of this decision, which decision must set forth with particularity why a refund is due (see 37 CFR 1.181(b) and (f)).**

If there are any further questions, please contact Customer Service at (703) 308-1202.

Sincerely,


Deborah Dotson